

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SEP 04 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

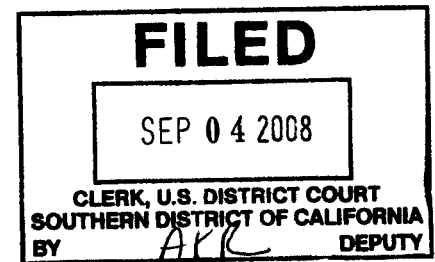
v.

ALBERTO ALLAN-SELVIN,

Defendant - Appellant.

No. 08-50363

D.C. No. 3:08-cr-07008-H
Southern District of California,
San Diego



UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALBERTO ALLAN-SELVIN,

Defendant - Appellant.

No. 08-50364

D.C. No. 3:07-cr-01434-H
Southern District of California,
San Diego

ORDER

Before: Peter L. Shaw, Appellate Commissioner.

The court sua sponte consolidates appeal nos. 08-50363 and 08-50364.

The district court has forwarded to this court the motion of appointed counsel Brian P. Funk, Esq., 964 Fifth Avenue, Suite 214, San Diego, California 92101, (619) 233-4076, to be relieved and for appointment of new counsel on

appeal. The motion received by the court on August 26, 2008, is ordered filed, and is granted. Counsel will be appointed by separate order.

The Clerk shall serve a copy of this order on Magistrate Judge Louisa S. Porter, U.S. District Court for the Southern District of California, 940 Front Street, Suite 1140, San Diego, California 92101-8925, who will locate appointed counsel. The district court shall provide the Clerk of this court with the name and address of appointed counsel by facsimile transmission (FAX: (415) 355-8111) within 14 days of locating counsel.

New counsel shall designate the reporter's transcripts by October 15, 2008, The transcript is due November 14, 2008. Appellant's consolidated opening brief and excerpts of record are due December 24, 2008; appellee's answering brief is due January 23, 2009; and the optional consolidated reply brief is due 14 days after service of the answering brief.

The Clerk shall serve this order on former counsel.

According to the Bureau of Prisons Inmate Locator, appellant's Reg. No. is 60042-097, and his housing status is "in transit." Accordingly, within 21 days after the date of this order, counsel for appellee Assistant United States Attorney Andrew George Schopler, shall serve a copy of this order on appellant and file proof of such service with this court showing appellant's current address.